

PUBLIC HEARING

IN THE MATTER OF THE BEACH ACT RULEMAKING
AMENDMENTS TO PARTS 700, 703 AND 890.

Public Hearing held at the NYS Department
of Environmental Conservation, Region 8 Office,
6274 East Avon-Lima Road, Avon, New York, on
June 5, 2018, commencing at 2:00 p.m., before
MOLLIE T. McBRIDE, ESQ., Administrative Law Judge.

PRESENT: ANDREA J. HOBBS, Notary Public.

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2 MS. McBRIDE: Good afternoon everyone.

3 We're going to get started. Thank you for coming.

4 My name is Molly McBride and I'm an administrative
5 law judge with the New York State Department of
6 Environmental Conservation.

7 I'll be presiding over today's public
8 comments session regarding the amendments of parts
9 700, 703 and 890 of Title 6 of the official
10 compilation of Codes, Rules, and Regulations of the
11 State of New York.

12 The department is proposing rulemaking to
13 amend water quality standards and the
14 classification of the upper and lower New York Bay.

15 The purpose of this hearing is for the
16 public to put unsworn statements on the record
17 regarding these proposed amendments.

18 Written comments will be accepted by the
19 department through midnight on June 12th, 2018.

20 You may submit any written comments by that date to
21 be considered by the department. The mailing
22 address for the submission of written comments is

23 available at our table here by the doorway.

24 Again, the purpose of this public hearing

25 here today is to allow the public to make comments

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2 on the record. Notice for this hearing was
3 published in the department's environmental notice
4 which is an electronic newsletter on March 21st,
5 2018. Notice was also published in the state
6 register.

7 Today is the first of two hearings we will
8 be holding. The second hearing will be held on
9 Thursday at the department's Region 2 office at the
10 E floor conference room at 47-40 21st Street, Long
11 Island City at 2:00 p.m.

12 If you would like to make a comment on the
13 record here today, I would ask that you please fill
14 out a speaker card and we will call your name when
15 it is time for you to make your comments on the
16 record.

17 This is an opportunity for the public to
18 give additional information for the department to
19 consider. If you would like to submit your
20 comments in writing, you may do so by e-mail or
21 submit them in mail. Again, the address is
22 available here.

23 Before we take comments from the public,
24 we're going to hear from Scott Stoner from the
25 Division of Water.

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2 MR. STONER: Good afternoon. I am
3 Scott Stoner, chief of the standards and analytical
4 support section in the Division of Water at the New
5 York State Department of Environmental Conservation
6 or DEC.

7 I have a short explanatory statement about
8 the proposed rulemaking that is the subject of
9 today's public hearing.

10 The DEC has proposed amendments to parts
11 700, 703, and 809 of Title 6 of the New York Codes,
12 Rules, and Regulations. The purpose of this
13 proposed rule is to improve and protect water
14 quality and to meet the requirements of the Federal
15 Beaches Environmental Assessment and Coastal Health
16 or BEACH, B-E-A-C-H, Act of 2000.

17 Specifically, the proposed rule would add
18 standards for E. coli for all freshwater coastal
19 recreation waters, that is the Great Lakes, and add
20 standards for enterococci for all marine coast
21 recreation waters.

22 The proposed rule would also upgrade the

23 classification of certain Roman Numeral One waters
24 of upward New York Bay and a portion of lower New
25 York Bay to Class SB to add the best use of primary

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2 contact recreation to these waters.

3 The notice of proposed rulemaking was
4 published in the New York State register on
5 March 21st, 2018. A revised regulatory impact
6 statement, regulatory flexibility analysis, and job
7 impact statement were published in the New York
8 State register on May 23rd reflecting updated cost
9 information.

10 The DEC conducted two public information
11 meetings for the proposed rule, one on May 1st at
12 the DEC Region 2 office in Long Island City and the
13 other on May 3rd at the DEC Region 8 office in Avon
14 or right here. Thank you.

15 MS. McBRIDE: Thank you, Scott. I don't
16 have any speaker cards, but if there's anyone who's
17 here who would like to make a statement on the
18 record, you can let me know. Is there anyone that
19 would like to put a comment on the record? Okay.

20 I would remind you that you may also submit
21 your comments in writing. Equal weight is given to
22 written and oral comments and again, the date for

23 the deadline of submission of written comments is
24 June 12th, 2018, and the mailing address is
25 available at our table here.

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2 All right. And there's no one that wants to
3 make a comment so we will go off the record now.
4 We'll wait a few minutes in case anyone arrives
5 late.

6 (Discussion off the record.)

7 MS. McBRIDE: Okay. We're back on the
8 record. We went off the record for a few minutes
9 to see if anyone came in that wanted to make a
10 comment on the record.

11 Is there anyone here that would like to make
12 a comment regarding this proposed rulemaking before
13 we close the hearing record? Okay.

14 Then we'll note for the record that no one
15 has indicated they'd like to make a comment so
16 we'll close the record for today. Thank you for
17 coming out.

18 (Proceedings concluded at 2:14 p.m.)

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2 STATE OF NEW YORK)

3 ss:

4 COUNTY OF CHAUTAUQUA)

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6 I DO HEREBY CERTIFY as a Notary Public in and

7 for the State of New York, that I did attend and

8 report the foregoing proceedings, which were taken

9 down by me in a verbatim manner by means of machine

10 shorthand. Further, that the proceedings were then

11 reduced to writing in my presence and under my

12 direction. That the proceedings were taken to be

13 used in the foregoing entitled action.

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ANDREA J. HOBBS,
Notary Public.

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